IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 966 of 1995

Between:

G.V.Venkatesu S/o.Late G.Venkatramana
R/o.Door.No.14/70,Cars Street Punganur,Chittoor Dist
pincode:517247

..... PETITIONER

AND

1 The Director (Personnel) A.P. State Electricity Board
Vidyut Soudha Khairatabad P.O.,
Hyderabad-500004
2 The Divisional Electrical Engineer (Operations)
Madanapally Division A.P.State Electricity Board
Madanapally Chittoor dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, directing the Respondents to consider the case of the petitioner herein for appointing him on compassionate grounds in any suitable post in the Repspondent's organization.

Counsel for the Petitioner: MR.MEHERCHAND NOORI

Counsel for the Respondent No.: MR.SAMINENI KISHORE

The Court made the following :

ORAL ORDER:

The relief sought for in this writ petition is for a direction to the respondent to consider the case of the petitioner for appointment on compassionate grounds in any suitable post in the respondent – organization.

It is the case of the petitioner that his father, who was a helper in the office of the Divisional Electrical Engineer (Operations), Madanapally Division met with a fatal electrical accident on 1-2-1971 and at the time of the death of his father, he was aged about 3 years. The petitioner contends that consequent on the death of his father, his family had to face a lot of financial stringency, that he is a graduate in Commerce from Sri Venkateswara University having obtained his bachelors degree in 1989, that he has no landed property or any other source of income and that he registered himself as an unemployed graduate in the employment exchange on 23-7-1984. He refers to the letter of the Director (Personnel), A.P.S.E.B. dated 11-9-1986 whereby he was informed that the scheme for appointment on compassionate grounds was for those who died subsequent to 24-6-1975 and was not applicable in respect of the petitioner's father who died on 1-2-1971. The petitioner contends that the said scheme should also be made applicable to him.

It is reiterated in the counter affidavit filed by the respondents that since the petitioner's father died on 1-2-1971, much prior to introduction of the scheme, the petitioner is not entitled to be appointed on compassionate grounds in the respondent organization.

The Supreme Court in **SANJAY KUMAR v. STATE OF BIHAR** held that appointment on compassionate grounds was intended to enable the family of the deceased employee to tide over the sudden crisis resulting due to death of the breadearner who had left the family in penury and without any means of livelihood and there cannot be reservation of a vacancy till such time as his child becomes a major after a number of years, unless there are some specific provisions, more so, when the very basis of compassionate appointment is to see that the family gets immediate relief.

Admittedly, in the present case also the petitioner was a minor and on his own admission was 3 years old at the time of the death of his father. In view of the judgment of the Supreme Court referred to supra and in view of the categorical averment in the counter affidavit that the scheme for compassionate appointment

came into force much subsequent to the death of his father, the petitioner is not entitled to any relief.

The writ petition is accordingly dismissed. No costs.

_____

7-7-2005

asp

To :

1 The Director (Personnel) A.P. State Electricity Board
Vidyut Soudha Khairatabad P.O.,
Hyderabad-500004
2 The Divisional Electrical Engineer (Operations)
Madanapally Division A.P.State Electricity Board
Madanapally Chittoor dist.

3. Two C.D. copies